

# **EXHIBIT 3**

**BERGER MONTAGUE PC**

Eric L. Cramer (*pro hac vice*)  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103  
Telephone: (215) 875-4604  
Fax: (215) 875-4604  
Email: [ecramer@bm.net](mailto:ecramer@bm.net)

**RADICE LAW FIRM, P.C.**

John Radice (*pro hac vice*)  
475 Wall Street  
Princeton, NJ 08540  
Telephone: (646) 245-8502  
Fax: (609) 385-0745  
Email: [jradice@radicelawfirm.com](mailto:jradice@radicelawfirm.com)

**JOSEPH SAVERI LAW FIRM, LLP**

Joseph R. Saveri (SBN. 130064)  
Steven N. Williams (SBN. 175489)  
601 California Street, Suite 1000  
San Francisco, CA 94108  
Telephone: (415) 500-6800  
Fax: (415) 395-9940  
Email: [jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)  
[swilliams@saverilawfirm.com](mailto:swilliams@saverilawfirm.com)

*Counsel for Individual and Representative  
Plaintiffs*

Additional counsel on Signature Page

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SIMON AND SIMON, PC d/b/a CITY  
SMILES and VIP DENTAL SPAS,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,

Defendant.

**PAUL HASTINGS LLP**

Steven Arthur Marenberg (SBN. 101033)  
James Pearl (SBN. 198481)  
1999 Avenue of the Stars, Suite 2700  
Los Angeles, CA 90067  
Telephone: (310) 553-6700  
Fax: (310) 620-5899  
Email: [stevenmarenberg@paulhastings.com](mailto:stevenmarenberg@paulhastings.com)  
[jamespearl@paulhastings.com](mailto:jamespearl@paulhastings.com)

*Attorneys for Defendant Align Technology,  
Inc.*

Additional counsel on Signature Page

Case No.: 3:20-cv-03754-VC

~~PROPOSED~~ **STIPULATED ORDER  
REGARDING AMENDED CASE  
SCHEDULE AS MODIFIED**

WHEREAS, on May 5, 2021, Plaintiffs Simon And Simon, PC d/b/a City Smiles and VIP Dental Spas (“Plaintiffs”) and Defendant Align Technology Inc. (“Defendant,” collectively with Plaintiffs, the “Parties”), having met and conferred, filed an Updated Joint Case Management Statement, Rule 26(f) Statement, and [Proposed] Order that included a Jointly Proposed Schedule as Attachment A (ECF Nos. 99 and 99-1, respectively);

WHEREAS, on May 12, 2021, the Parties attended a case management conference with the Court at which the Court ordered the Parties to make certain changes to the Jointly Proposed Schedule, including adding case management conferences approximately every four (4) months (with joint case management statements due seven (7) days in advance), and combining all summary judgment and *Daubert* briefing into single documents when such documents are to be filed at the same time (with any motions proposing changes to the page limits to be submitted to the Court in advance of the filing deadlines for such combined briefs);

NOW THEREFORE, the Parties, by and through their respective counsel, hereby stipulate and agree to the terms of this Amended Jointly Proposed Schedule as follows:

**Amended Jointly Proposed Schedule**

<b>Proposed Date</b>	<b>Event</b>
5/5/2021	Joint CMC Statement due
5/12/2021	Case Management Conference <sup>1</sup>
7/25/2021	Deadline to begin rolling production of documents in response to Requests for Production served on or before January 15, 2021 <sup>2</sup>
8/24/2021	Deadline to complete production of structured data in response to Requests for Production served on or before January 15, 2021
9/15/2021	Joint CMC Statement due
9/22/2021	Case Management Conference
1/12/2022	Joint CMC Statement due
1/19/2022	Case Management Conference
2/13/2022	Deadline to complete production of documents in response to Requests for Production
3/11/2022	Deadline to complete initial ADR
5/11/2022	Joint CMC Statement due
5/18/2022	Case Management Conference
7/15/2022	Deadline to complete fact discovery
8/12/2022	Deadline to serve expert reports on all issues on which a party has the burden of proof
9/14/2022	Joint CMC Statement due
9/21/2022	Case Management Conference
9/23/2022	Deadline to serve opposing expert reports

<sup>1</sup> Producing parties are to produce organizational charts (if any) and proposed custodians, non-custodial document sources, and search methodology within 21 days of the Case Management Conference.

<sup>2</sup> Privilege logs shall be served within 45 days of each production of documents from which documents were withheld based on any claim or privilege or work-product protection.

11/4/2022	Deadline to serve rebuttal expert reports
12/5/2022	Deadline to complete expert discovery
1/10/2023	Deadline to file motion for class certification and any <i>Daubert</i> motion related to class certification
1/18/2023	Joint CMC Statement due
1/25/2023	Case Management Conference
2/14/2023	Deadline to file opposition to motion for class certification and opposition to any <i>Daubert</i> motion related to class certification
3/14/2023	Deadline to file reply in support of <i>Daubert</i> motion related to class certification
3/21/2023	Deadline to file reply in support of motion for class certification
4/13/2023 5/11/2023	Hearing on motion for class certification Case Management Conference
4 weeks after decision on Class Certification	Close of residual post-certification discovery period
6/13/2023	Deadline to file motion for summary judgment and any <i>Daubert</i> motions <sup>3</sup>
7/25/2023	Deadline to file opposition to motion for summary judgment and opposition to any <i>Daubert</i> motions <sup>4</sup>
8/22/2023	Deadline to file reply in support of motion for summary judgment and in support of any <i>Daubert</i> motions <sup>5</sup>
(At the Court's convenience)	Hearing on motion(s) for summary judgment and <i>Daubert</i> motions  Final pretrial conference

<sup>3</sup> Any party filing a motion for summary judgment and a *Daubert* motion must file them as a combined brief. Any motion as to the page limits for such briefing will be taken up in advance of this deadline.

<sup>4</sup> Any party filing a brief in opposition to a motion for summary judgment and a brief in opposition to a *Daubert* motion must file them as a combined brief. Any motion as to the page limits for such briefing will be taken up in advance of this deadline.

<sup>5</sup> Any party filing a reply brief in support of a motion for summary judgment and a reply brief in support of a *Daubert* motion must file them as a combined brief. Any motion as to the page limits for such briefing will be taken up in advance of this deadline.

11/20/2023	Trial Begins
------------	--------------

**IT IS SO STIPULATED**, through Counsel of Record.

Dated: May 13, 2021

Respectfully Submitted,

By: /s/ Joseph R. Saveri

Joseph R. Saveri (SBN 130064)  
Steven N. Williams (SBN 175489)  
Kevin E. Rayhill (SBN 267496)  
Keydon Levy (SBN. 281372)  
**JOSEPH SAVERI LAW FIRM, LLP**  
601 California Street, Suite 1000  
San Francisco, California 94108  
Telephone: (415) 500-6800  
Facsimile: (415) 395-9940  
jsaveri@saverilawfirm.com  
swilliams@saverilawfirm.com  
krayhill@saverilawfirm.com  
klevy@saverilawfirm.com

Eric L. Cramer (*pro hac vice*)  
Joshua T. Ripley (*pro hac vice*)  
Michael Kane (*pro hac vice*)  
**BERGER MONTAGUE PC**  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103  
Telephone: (215) 875-4604  
Facsimile: (215) 875-5707  
ecramer@bm.net  
jripley@bm.net  
mkane@bm.net

Daniel J. Walker (*pro hac vice*)  
**BERGER MONTAGUE PC**  
2001 Pennsylvania Avenue, NW, Suite 300  
Washington, DC 20006  
Telephone: (202) 559-9745  
Facsimile: (215) 875-5707  
dwalker@bm.net

John Radice (*pro hac vice*)  
April Lambert (*pro hac vice*)  
Daniel Rubenstein (*pro hac vice*)  
**RADICE LAW FIRM, P.C.**  
475 Wall Street  
Princeton, New Jersey 08540  
Telephone: (646) 245-8502  
Facsimile: (609) 385-0745  
jradice@radicelawfirm.com  
alambert@radicelawfirm.com  
drubenstein@radicelawfirm.com

Daniel J. Mogin (SBN 95624)  
Jennifer M. Oliver (SBN 311196)  
Timothy Z. LaComb (SBN 314244)  
**MOGINRUBIN LLP**  
600 West Broadway, Suite 3300  
San Diego, CA 92101  
Telephone: (619) 687-6611  
Facsimile: (619) 687-6610  
dmogin@moginrubin.com  
joliver@moginrubin.com  
tlacomb@moginrubin.com

Gary M. Klinger (*pro hac vice*)  
**MASON LIETZ & KLINGER, LLP**  
227 W. Monroe Street, Suite 2100  
Chicago, IL 60630  
Telephone: (202) 429-2290  
Facsimile: (202) 429-2294  
gklinger@masonllp.com

David K. Lietz (*pro hac vice*)  
**MASON LIETZ & KLINGER, LLP**  
5101 Wisconsin Ave., NW, Ste. 305  
Washington, DC 20016  
Telephone: (202) 640-1160  
Facsimile: (202) 429-2294  
dlietz@masonllp.com

Kevin Landau (*pro hac vice*)  
**TAUS, CEBULASH & LANDAU, LLP**  
80 Maiden Lane, Suite 1204  
New York, New York 10038  
Telephone: (646) 873-7654  
Facsimile: (212) 931-0703  
klandau@tcllaw.com

*Counsel for Individual and Representative Plaintiffs*

Dated: May 13, 2021

By: /s/ Steven A. Marenberg  
Steven Arthur Marenberg (SBN. 101033)  
James Pearl (SBN. 198481)  
**PAUL HASTINGS LLP**  
1999 Avenue of the Stars, Suite 2700  
Los Angeles, CA 90067  
Telephone: (310) 553-6700  
Fax: (310) 620-5899  
Email: stevenmarenberg@paulhastings.com  
jamespearl@paulhastings.com

Thomas A. Counts (SBN. 148051)  
Abigail Heather Wald (SBN. 309110)  
**PAUL HASTINGS LLP**  
101 California Street, 48<sup>th</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 856-7000  
Fax: (415) 856-7100  
Email: tomcounts@paulhastings.com  
abigailwald@paulhastings.com

Noah Pinegar (*pro hac vice*)  
**PAUL HASTINGS LLP**  
2050 M Street, NW  
Washington, DC 20036  
Telephone: (202) 551-1960  
Fax: (202) 551-1705  
Email: noahpinegar@paulhastings.com

Adam M. Reich (*pro hac vice*)  
Michael C. Whalen (*pro hac vice*)  
**PAUL HASTINGS LLP**  
71 South Wacker Drive, 45<sup>th</sup> Floor  
Chicago, IL 60606  
Telephone: (312) 499-6000



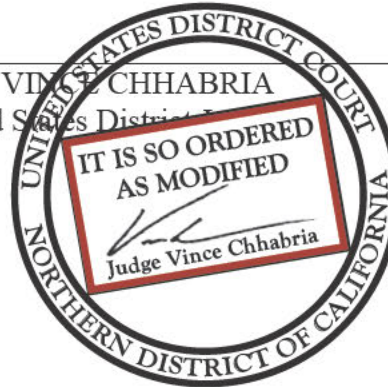
adamreich@paulhastings.com  
michaelcwhalen@paulhastings.com

*Attorneys for Defendant Align Technology, Inc.*

**IT IS ORDERED** that the forgoing Amended Jointly Proposed Schedule is approved.

Dated: May 18, 2021

HON. VINCE CHHABRIA  
United States District Court



**FILER'S ATTESTATION**

I, Joseph R. Saveri, am the ECF user whose identification and password are being used to file this [Proposed] Stipulated Order Regarding Amended Case Schedule. In compliance with L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this Joint Case Management Conference Statement has been obtained from each of the other signatories.

May 13, 2021

/s/ Joseph R. Saveri